

Kern River Valley Public Cemetery District
Minutes of the Regular Board of Trustees Meeting – Tuesday, May 14th, 2024 @ 1:00 PM

KERN RIVER VALLEY PUBLIC CEMETERY DISTRICT
MINUTES OF THE REGULAR BOARD OF TRUSTEES MEETING
Tuesday May 14th, 2024 @ 1:00 PM
District Office: 8441 Burlando Road Wofford Heights, CA 93285 County of Kern

Present: Harry Schustz, Chairperson/President, Board of Trustees
Kathy Agapiou, Vice Chair/Vice President, Board of Trustees
Esteban Olivares, Member, Board of Trustees
Michael Ryan, Member, Board of Trustees
Randy Kyt, District Manager
Laura Kyt, District Secretary/Clerk of the Board
John Blythe, Clerk Specialist/Administrative Assistant
(One seat on the Board of Trustees is vacant.)

- A. CALL TO ORDER: Meeting was called to order by Chairperson Schustz at 1:00 PM
- B. ROLL CALL ROLL CALL – QUORUM PRESENT (4 Trustees Present; 1 Seat is Vacant)
- C. PLEDGE OF ALLEGIANCE AND INVOCATION: Manager Kyt gave the Pledge of Allegiance and Invocation.
- D. PUBLIC COMMENT, REQUESTS AND PRESENTATIONS: Jerry Moffatt was in attendance as a member of the public and as a potential candidate to fill the vacancy on the board of trustees. Jennifer Wagner was also in attendance as an observer.
- E. MANAGER’S REPORT: Randy Kyt, District Manager
 - 1. Department of Human Services: CalWORKS, KHSD and MAOF Programs: Manager Kyt reports that two participants are currently assigned by CalWorks for training as a groundskeeper. No participants have been assigned by KHSD or MAOF for training. He has also used on call staff to help with internment services for safety reasons.
 - 2. Theft of District Property: Manager Kyt reports that the handicap portable restroom was stolen during the weekend of the CAPC conference. Theft was reported on March 19th to Kern County Sheriff’s Department, case #2024-00033080. Replacement for new handicap restroom was added for FY 2024-25 budget. Chairperson Schustz and Trustees expressed concern about the fact that the gates need to be locked after sunset.
 - 3. Hazardous Bee Hive Removed: Bees were removed from the district administrative building on April 25th.
 - 4. Memorial Day Ceremony: Manager Kyt reports that Congressman Vince Fong or his field representative will be the keynote speaker. Ceremony is scheduled for 11:00PM on Monday May 27th on the Cemetery District’s Grounds in front of the Veterans Wall. The commander of the local VFW will also be in attendance.
 - 5. Historic Cemetery Progress Report: Manager Kyt reports that Noelle King, a specialist and archologist met with him on April 16th regarding preservation concerns. He also reports he received an email on May 2nd from FEMA Public Assistant Program Manager Gilbert Cruz regarding the Historic Cemetery.
 - 6. Water Delivery System: Active Well #1: Water production and water distribution is ten minutes per station. Manager Kyt also shares chemical treatment is needed for iron manganese build up.
 - 7. 7. Water Delivery System Project: Well #2: Manager Kyt reports that there is no funding available from the CA Department of Water Resources Small Community Drought Relief Grant

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Program. District's request to pump water from the Big Blue Group of Mines has been officially denied. Manager Kyt recommends drilling a second well based on ground water surveying and received quotes. Trustee Olivares inquired about the cost of using Cal Water and Manager Kyt indicated it was cost prohibitive.

F. NEW BUSINESS:

1. Water Delivery System Project: Install Well #2: Board discussed prevailing wage, registering project with the Department of Industry Relations, and the costs with respect to findings and requirements. After lengthy discussion and concerns over costs and the board being unable to review the District's Public Works Contracts policy, a motion was made by Trustee Olivares to table drilling a secondary well; second by Trustee Ryan and passed.
2. Public Works Contracts Policy: Board was unable to review Orange County Public Cemetery District's template on Public Works Contract Policy before this board meeting as it was not available to them to vote on. A motion was made by Trustee Olivares to table adopting Public Works Contract Policy; second by Trustee Ryan and passed.
3. Water Delivery System: Install Well #2: Additional actions regarding the Secondary Well included approve bid requirements and specifications; set dates for advertising public works project and date for bid proposal submission deadline and modify fiscal year budget. A motion was made to table project by Trustee Ryan and seconded by Trustee Agapiou and passed.

G. UNFINISHED BUSINESS:

1. California Association of Public Cemetery Districts (CAPC): The 66th Annual Conference was held at the Double Tree Hotel Hazard Center in San Diego the weekend of March 14-16. Chairperson Schustz, Trustees Agapiou and Olivares, Manager Kyt and Grounds person Wesley Kyt were in attendance. Administrative Assistant John Blythe also attended on his own.
2. CAPC Highlights: Trustees and Staff that attended submitted reports from conferences and received additional information about Cem Site which offers ground penetrating radar services and this site was looked at last year at the CAPC conference in Monterey. Grasshopper vendor offered maintenance services for old model riding mowers for grounds; Trustees also received certificates for AB1245 Ethics.
3. Historic Cemetery Ground Penetrating Radar: Recommendation to hire Cem Site to perform ground penetrating radar services of Historic Cemetery in Fiscal Yr 2024-2025. Motion was made by Trustee Ryan and seconded by Trustee Agapiou and passed.

H. BUDGET FOR FISCAL YEAR 2023-2024 REVIEW: Laura Kyt, Secretary

1. Review Operations Fiscal Year 2023-2024 Budget as of April 30th, 2024: Secretary Kyt presented to the Board in separate handouts a review of the FY 2023-24 Budget. Fund balance is currently in the negative for Fiscal Year 2024-25 at \$6,565. Secretary Kyt recommends adjustments and modifications into the FY 2024-25 for cemetery database software, computer and telephone upgrades. Capital Expenditures include FEMA 6.25% of District's share of cost for Historic Cemetery Projects.
2. Approve Fiscal Year 2024-2025 Baseline for District's Operating Budget: Motion was made by Trustee Olivares to adopted FY 2024-25 Baseline for District's Operating Budget and seconded by Trustee Agapiou and passed
3. Review/Approve FY 2023-2024 Budget for General Fund as of April 30th, 2024: A motion was made by Trustee Olivares; and seconded by Trustee Agapiou and passed.

Kern River Valley Public Cemetery District
Minutes of the Regular Board of Trustees Meeting – Tuesday, May 14th, 2024 @ 1:00 PM

4. Review/Approve FY 2023-2024 Budget for Endowment Fund as of April 30th, 2024: A motion was made by Trustee Olivares; and seconded by Trustee Agapiou and passed.
5. Review/Approve FY 2023-2024 Budget for Pre-Need Fund as of April 30th, 2024: A motion was made by Trustee Ryan and seconded by Trustee Agapiou and passed.
6. Review/Approve FY 2023-2024 Budget for Deferred Maintenance Fund as of April 30th, 2024: A motion was made by Trustee Ryan and seconded by Trustee Olivares and passed.

I. OTHER BUSINESS:

1. District Audits: Secretary Kyt reports that the District's Audits for Fiscal Years Ending 2017, 2018, 2019, 2020, 2021, 2022 and 2023 and still not been completed. Joseph Yani of the Kern County Auditor/Controller's office has been notified of timeline to complete by September, 2024 is not going as planned. Financial Accountant David Bruner will be back at the district the last week of May to continue with the reconciliation process to prepare at least Fiscal Years 2016-17 and 2017-18 for Auditor Kevin Brejnak. Lengthy discussion began, starting with Chairperson Schustz sharing his deep frustration with District Management is troubling and not working to the best of their abilities as this issue and other issues with the district being out of compliance, has been addressed in prior board meetings with no progress being made. Chairperson Schustz shares that he had asked after he was appointed to the Board why the District was severely behind on its audits and the comments from Manager Kyt and Secretary Kyt had always responded "we're working on it". Trustees Agapiou, Olivares and Ryan all concurred with Chairperson Schustz that this has been going for eight years when the District had prior Board Trustees and with continued Board turnover. Trustees Agapiou, Olivares, Ryan and Schustz all individually expressed that because the District is so far behind in so many areas that this why there is tremendous scrutiny by the County, the State, the Auditor/Controller's office and the Grand Jury. Secretary Kyt disagreed and reports that progress has been made with Administrative Assistant Blythe in the office at least two days a week and thanked Assistant Blythe for taking time out of his life to help assist part-time. Chairperson Schustz asked Administrative Assistant Blythe how the process had been going over the last year and a half. Administrative Assistant Blythe indicated he was underutilized for nearly a year and shared that when he was on the board he had also asked several times as it related to the District not having its audits and board minutes completed and had concerns that the cemetery was out of compliance with the law as a special district. Assistant Blythe said he finally resigned from the District's Board of Trustees at the beginning of 2023 to work interim to assist the district in getting caught up on areas they were behind on or out of compliance with including audits, minutes, accounting, policies, etc. and shared that his work in the film industry had stagnated due to the union strikes so working for the district part time seemed like a good idea. Assistant Blythe shares his frustration with having to "reinvent the wheel" of re-entering every single piece of financial information starting with FY 2016-17 into the new Quick Books accounting system has been extremely time consuming and shares that had this been utilized in January of 2023, the District's Audits would likely have been finalized by now if not sooner, although he also shares that all of the financial records for the fiscal years in question are available and does not understand why Auditor Brejnak cannot take the records which are completed to at least start the auditing process. He shares that with his prior experience on the Board, this was never a problem for the previous Auditor Robert Dennis. Jennifer Wagner as a member from the public also asked why District Management is reinventing the wheel when it comes to the financial work of the District. Secretary Kyt commented that Auditor Brejnak wants it this way. Mrs. Wagner also shares that she is surprised that the district is over seven years behind on county and state mandated audits and was curious why no additional staffing was accomplished sooner to help with this process.

Kern River Valley Public Cemetery District
Minutes of the Regular Board of Trustees Meeting – Tuesday, May 14th, 2024 @ 1:00 PM

Chairperson Schustz shares that this had been addressed several times over the years getting additional help in the administrative office. Manager Kyt shares that a combination of Covid-19, the French Fire, floods, the bees, issues with their health and Secretary Kyt's automotive accident in July 2020 are all factors for the process being slow. Trustee Ryan indicated that all of those issues happened several years after fiscal year 2016-2017 had become the first year the district was delinquent in audit. Trustees Agapiou and Olivares shared they would like to see some kind of resolve to this situation immediately as there has been no resolve to these issues when it has been addressed in prior board meetings. Manager Kyt recommends having a special board meeting to see if Financial Accountant David Bruner and Auditor Kevin Brejnak can be in attendance either in person or over the phone to discuss the financial accounting and auditing situation for all of the fiscal years in question. Jerry Moffat as a member of the public, commented that he felt everything that was said on this agenda item, needed to be said.

2. Topics for Next Agenda: Secretary Kyt reports that the following will be on the next board meeting agenda:
 - A. District Audits FY 2016-17 to FY 2022-23 Progress Report
 - B. Monthly Financial Statements: December 2023-March 2024
 - C. Board Minutes May 2020 to March 2024
 - D. Recoupment: Cemetery Services executed as of May 31, 2024
 - E. CalPERS: Side Fund Debt Balance with Pre-Need Fund #42012; Contract and Future Liability

Additional items to be addressed include Quick Books, District Office Computers, Intra and budgeting for CAPC conference for 2025.

J. BOARD MEMBER ANNOUNCEMENTS OR REPORTS NOT APPEARING ON THE AGENDA:

Trustee Agapiou: Appreciated Mrs. Wagner's feedback regarding the District's Budgets and the Audits.

Trustee Olivares: He would like to touch base with Anne Branham an attorney from CAPAC regarding the water situation on the District grounds.

Trustee Ryan: No comment.

Chairperson Schustz: He would like to see Auditor Kevin Brejnak and Financial Accountant David Bruner attend a future special board meeting to help answer questions the Board has regarding the district's financials and audits. He also feels that due to the severity of the problems at the district, the board needs to return to meeting once a month instead of every other month and is also tired of the board agendas being 6, 7 pages long or sometimes longer than 10 pages.

K. DISTRICT PERSONNEL ANNOUNCEMENTS OR REPORTS:

Manager Kyt: Wants to see everything accomplished and work together for the betterment of the district.

Secretary Kyt: Her goal is to stay on track getting the audits completed by September, 2024 for Joseph Yani from the Kern County Auditor/Controller's office.

Kern River Valley Public Cemetery District
Minutes of the Regular Board of Trustees Meeting – Tuesday, May 14th, 2024 @ 1:00 PM

L. RECONVENE THIS BOARD MEETING:

The Board discussed reconvening this board meeting. Trustee Ryan motioned to reconvene this meeting to finished other business; seconded by Trustee Olivares and passed. Trustee Agapiou motioned that the Board will reconvene this meeting for Tuesday June 11th at 1:00PM and was seconded by Trustee Olivares and passed.

M. NEXT REGULARLY SCHEDULED MEETING: Tuesday July 9, 2024 at 1:00 PM

N. MOTION TO ADJOURN: Trustee Olivaries moved to adjourn the meeting at 3:02PM and was seconded by Trustee Agapiou and passed.

Respectfully submitted by

John Blythe

John Blythe

Clerk Specialist/Administrative Assistant